

THE HIGH COURT OF TRIPURA
AGARTALA

MAC APP. NO.75 OF 2012

Md. Ali Akbar,
S/O. Lt. Suraj Miah,
Resident of Ramnagar A.K. Road,
(near PEC Bricks Field),
P.S.-West Agartala,
P.O. Ramnagar,
District- West Tripura.

..... **Appellant.**

- V e r s u s -

The Director General of Police,
Police Headquarter,
P.O.-Agartala-799001,
P.S.-West Agartala, West Tripura.
(TR-01-B-1051, Commander Jeep).

..... **Respondent.**

BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA

For the appellant	: Ms. S. Deb Gupta, Advocate.
For the respondent	: Mr. P. Gautam, Advocate.
Date of hearing and delivery of judgment and order.	: 03.12.2015.
Whether fit for reporting	: NO.

JUDGMENT & ORDER (ORAL)

This appeal for enhancement of compensation is directed against the award dated 10-06-2010 passed by the learned Motor Accident Claims Tribunal, Court No.3, West Tripura, Agartala in case No. T.S.(MAC) 371 of 2007 whereby he awarded a sum of Rs.21,000/- in favour of the claimant.

2. It would be pertinent to mention that issues were framed by the Motor Accident Claims Tribunal on 23.11.2007 and

the first date was fixed for evidence of the claimant on 29.01.2008. On that date, the matter was adjourned to 25.04.2008 on the asking of the claimant. On the next date also the claimant asked for an adjournment and the case was fixed on 17.06.2008 for evidence. Again no steps were taken and the case was adjourned to 29.7.2008. On this date, the Bar members were absenting from the Court and the case was adjourned to 18.9.2008. On this date, the Presiding Officer was out for training and the case was adjourned to 03.12.2008. On this date, the claimant filed his examination-in-chief and the case was adjourned for cross-examination of the claimant to 04.02.2009. On this date, the claimant did not appear and the case was adjourned to 19.3.2009 when the Presiding Officer was on leave. The case was then listed on 27.5.2009 when it was adjourned to 22.6.2009 for cross-examination of the claimant. The claimant again did not appear and the adjournment was requested. Thereafter, the matter was listed on 23.7.2009 when again the claimant did not appear. The case was then adjourned to 14.8.2009. Again the claimant did not appear. A last opportunity was given to the claimant to appear on 23.10.2009. Though this was the last date, again at the request of the claimant, another date was given and the case was adjourned to 18.12.2009. On this date, the Presiding Officer was on leave and the next regular date was 24.3.2010 and the case was adjourned to 23.4.2010 as a last chance. Therefore, the claimant has been granted 12 effective dates for leading his evidence.

3. Even though this Court may have sympathy for persons who are victims of accidents, this sympathy cannot be extended to such an extent that the whole judicial system is set at naught. The claimant in this case is not a rustic villager. He is a police constable. He is expected to know the law and the learned Tribunal was fully justified in closing the evidence of the claimant. Despite closing the evidence of the claimant, the claimant has been awarded a sum of Rs.21,000/- but since the claimant did not produce original documents, a number of the documents have not been looked into.

4. At this stage, it is pointed out that the claimant has submitted one letter dated 10.3.2009 wherein it is stated that the claimant has lost the referral certificate of Kolkata and medical certificate of Kolkata. However, there is no allegation that the other documents have been lost. The learned Tribunal has awarded the compensation on the basis of the documents on record. I find no reason to enhance the compensation.

5. The appeal is, therefore, dismissed.

6. Send down the lower court records forthwith.

CHIEF JUSTICE